

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Marcus Dill	Art Unit :	2166
Serial No. :	10/816,910	Examiner :	Emeka Ebirim
Filed :	April 5, 2004	Conf. No. :	2649
Title :	PERFORMING A DATA ANALYSIS PROCESS		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF MAY 31, 2007

In response to the final Office action of May 31, 2007, Applicant asks that all claims be allowed in view of the following remarks. Claims 1, 3-12, and 14-26 are currently pending, of which claims 1, 12, and 21 are independent.

Applicant thanks Examiner Harper for returning a signed copy of the form PTO-1449 included with the information disclosure statement filed on August 3, 2006. Applicant notes, however, that the item listed at designation ID "AL" has not been initialed. Applicant respectfully requests consideration of the reference listed at designation ID "AL" and a returned copy of the form PTO-1449 included with the information disclosure statement filed on August 3, 2006 including initials for the reference listed at designation ID "AL".

Claims 1, 3-12, and 14-26 have been rejected as being anticipated by Bal (U.S. Patent Application Publication No. 2004/0164961). Applicant requests reconsideration and withdrawal of this rejection because Bal does not describe or suggest the subject matter of independent claims 1, 12, and 21, as described below.

For example, independent claim 1 recites, *inter alia*, accessing user-defined data associated with a data analysis process, the user-defined data including sub-process indicators defining the data analysis process, and performing the sub-processes identified by the sub-process indicators included in the user-defined data. Applicant respectfully submits that Bal does not describe or suggest these features.

In particular, Bal is directed to a system for continuously monitoring a plurality of data sources for an event of interest. See Bal at paragraph [0005]. The system includes a data download and analytics engine subsystem that includes a processing unit. See Bal at paragraph

[0028]. The processing unit includes a data fetch entity, a data extraction, transformation, and loading entity, and an analytics engine. See Bal at paragraph [0029]. In determining an event of interest, the data download and analytics engine subsystem, using a web browser, downloads data from the Internet at predefined intervals of time. See Bal at paragraphs [0028] and [0029]. After downloading the data, the data fetch entity, the data extraction, transformation, and loading entity, and the analytics engine perform operations on the downloaded data sequentially to determine a parameter related to the event of interest. See Bal at paragraph [0029] and [0030]; see also Fig. 6. In performing the operations on the downloaded data, however, the system of Bal does not perform a data analysis process by accessing user-defined data including sub-process indicators that define the data analysis process and performing the sub-processes identified by the sub-process indicators. Rather, the system of Bal performs a predetermined data analysis process on the downloaded data each time the data is downloaded and the downloaded data does not include sub-process indicators that define the data analysis process. Therefore, Bal fails to describe or suggest accessing user-defined data associated with a data analysis process, the user-defined data including sub-process indicators defining the data analysis process, and performing the sub-processes identified by the sub-process indicators included in the user-defined data, as recited in independent claim 1.

In the Response to Arguments section of the final Office action, the Examiner argues that Bal implicitly discloses user-defined data. See final Office action of May 31, 2007 at pages 9 and 10. Specifically, the Examiner cites paragraph [0028] of Bal and states:

Bal discloses that data can be downloaded from data sources like Cnn, money and Yahoo Finance. . . Such sites as Yahoo Finance have personal pages where [a] user can input their finances in relation to work, student loans, retirement, taxes etc. Thus, an artisan of ordinary skill in the pertinent art would realize that even though the information is downloaded from a financial data source the information can nonetheless be user defined data. Id.

Even assuming, *arguendo*, that Bal implicitly discloses downloading user-defined financial data from a website such as Yahoo Finance, downloading user-defined financial data from a website does not describe or suggest accessing user-defined data that includes sub-process indicators that define a data analysis process and performing the sub-

processes identified by the sub-process indicators included in the user-defined data, as recited in independent claim 1.

Specifically, user-defined financial data downloaded from a website does not include sub-process indicators that define a data analysis process. Instead, the user-defined financial data downloaded from the website identified in the final Office action is provided as input data to a data analysis process and includes no information that defines the data analysis process. Applicant respectfully submits that information related to a user's "finances in relation to work, student loans, retirement, taxes etc." does not include sub-process indicators that define a data analysis process. See final Office action of May 31, 2007 at page 10.

Moreover, claim 1 recites performing the sub-processes identified by the sub-process indicators included in the user-defined data. As interpreted by the Examiner, the user-defined data is the financial data downloaded from a website such as Yahoo Finance. Financial data downloaded from a website such as Yahoo Finance, however, does not identify any sub-processes that are performed by the system of Bal. Rather, the system of Bal performs a predetermined data analysis process on the downloaded data each time the data is downloaded and does not perform any process that is identified by the downloaded data.

For at least the reasons discussed above, Bal fails to describe or suggest accessing user-defined data associated with a data analysis process, the user-defined data including sub-process indicators defining the data analysis process, and performing the sub-processes identified by the sub-process indicators included in the user-defined data, as recited in independent claim 1.

Accordingly, Applicant requests reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims 3-11 and 22-26.

In addition, Bal fails to describe or suggest the additional subject matter recited in many of the dependent claims.

For example, dependent claim 10 recites that the user-defined data provides an indication identifying an order for performing the identified sub-processes, and performing the sub-

processes comprises performing the sub-processes in the order identified by the user-defined data. Applicant submits that the financial data downloaded from a website such as Yahoo Finance does not provide an indication identifying an order for performing sub-processes and the system of Bal does not perform sub-processes in the order identified by the downloaded data. Rather, the system of Bal performs the operations in the data analysis process in the same, predetermined order each time data is downloaded. Thus, Bal fails to describe or suggest that the user-defined data provides an indication identifying an order for performing the identified sub-processes, and performing the sub-processes comprises performing the sub-processes in the order identified by the user-defined data, as recited in dependent claim 10.

Accordingly, for at least this additional reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of dependent claim 10. Because each of the dependent claims is deemed to define additional aspects of the disclosure, the individual consideration of each dependent claim on its own merits is respectfully requested.

Independent claims 12 and 21, although different in scope from independent claim 1 and each other, recite features similar to those discussed above with respect to claim 1, and do so in the context of a computer-readable medium and a system. Accordingly, for at least the reasons discussed above with respect to claim 1, Applicant requests reconsideration and withdrawal of the rejection of independent claims 12 and 21 and claims 14-20 depending from independent claim 12.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply.

Applicants submit that all claims are in condition for allowance.

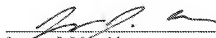
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Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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